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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO. 4:11-CR-00668-CW-1 (KAW) |
| |) | |
| Plaintiff, |) | DETENTION ORDER (as modified) |
| |) | |
| v. |) | |
| |) | |
| CHARLIE OKIGBO, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |

On January 10, 2012, Defendant Charlie Okigbo was sentenced to 64 months custody and 3 years supervised release for committing two Class C felonies - possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841 (a)(1) and (b)(1)(C), and felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

On July 14, 2022, U.S. Probation filed a Form 12 petition charging the defendant with violating the terms of his Supervised Release. *See* Dkt. No. 125. The Form 12 charges the defendant with the unlawful use of controlled substances, failing to report to probation as directed, and failing to reside at a residence approved by probation. Prior to his arrest, the defendant had been on absconder status since July 2022.

1 On October 19, 2022, the defendant appeared before the Magistrate Judge for an arraignment on
2 the aforementioned Form 12 petition. The Government moved for detention.

3 The defendant bears the burden of establishing by clear and convincing evidence that he will not
4 flee or pose a danger to the community if released pending his revocation hearing. *United States v. Loya*,
5 25 F.3d 1529, 1531 (9th Cir. 1994). Upon consideration of the facts, proffers and arguments presented,
6 and for the reasons stated on the record, the Court finds that the defendant has not met his burden given
7 the nature of the alleged supervised release charges and Defendant's failure to proffer any evidence to
8 reasonably assure the court that he's not a danger to the community or flight risk or that he's likely to
9 comply with the conditions of his release.

10 Accordingly, the Court orders the defendant detained pending the resolution of the Form 12
11 petition.

12 Pursuant to 18 U.S.C. § 3143, IT IS ORDERED THAT:

13 1. The defendant is committed to the custody of the Attorney General for confinement in a
14 corrections facility;

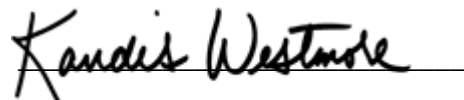
15 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
16 and

17 3. On order of a court of the United States or on request of an attorney for the government,
18 the person in charge of the corrections facility in which the defendant is confined shall deliver the
19 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
20 court proceeding.

21 This Order is without prejudice to reconsideration at a later date if circumstances change.

22
23 IT IS SO ORDERED.

24
25 DATED: October 25, 2022



26 HONORABLE KANDIS A. WESTMORE
27 United States Magistrate Judge
28